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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/727,866

12/04/2003

Jin Katagiri

2552-000059

7885

27572 7590 12/12/2008  
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EXAMINER

NGUYEN, LE V

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

12/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/727,866	<b>Applicant(s)</b> KATAGIRI ET AL.	
	<b>Examiner</b> LE NGUYEN	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/7/08</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This communication is responsive to an amendment filed 9/29/08.
2. Claims 1-13 are pending in this application; and, claims 1, 10 and 12 are independent claims. Claims 1, 4, 10 and 12 have been amended.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear what is meant by the passage “a setting step of setting, for each of said plurality of pieces of data reproducing equipment in association with the individual users, whether or not to make the piece of data reproducing equipment an object of search...one or more pieces of data reproducing equipment set as the objects of search from among said plurality” (with emphasis on the device) in claims 1, 10 and 12. Although it appears to mean that a decision is made as to whether the piece of data reproducing equipment or each piece of data reproducing equipment in a plurality of pieces of data reproducing equipment will be made an object of a search, applicants arguments in lines 7-11 of page 9 and the description found in the specification appears to emphasize that a search is made for content (Summary, par [0019] and [0021] of the published application; e.g. when the user has accessed a

predetermined site, a search is performed through a plurality of items of content only for particular content that the user selects to be compatible and reproducible with the registered data reproducing equipment of the user).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunii (US 2001/0056375 A1) in view of Devine et al. (US 2002/0095399 A1), and further in view of Hale et al. (US 6,732,180 B1)

As per claim 1, Kunii teaches an information supplying method comprising a registration step of causing a user to select a product and model names of data reproducing equipment from among a plurality of product and model names, particular data reproducing equipment to be used by the user and registering the particular data reproducing equipment, selected by the user in association with the user (figs. 4 and 8; paragraphs [0062] and [0069]; registration information of client/user related musical information include a reproducing equipment of a type such as a keyboard, stringed instrument, wind instrument or percussion instrument and their respective model), a step of, following user registration of a data reproducing equipment,

discriminatingly/selectively searching from a plurality of items of content of multiple data formats for particular content of a format compatible with the data reproducing equipment registered by the registration step in association with the user, the plurality of items of content include items of content of data formats not compatible with the data reproducing equipment registered in association with the user and items of content of data formats compatible with the data reproducing equipment registered in association with the user (paragraphs [0041], [0062], [0068-0069] and [0071]; registration information of client/user related musical information include a reproducing equipment of a type such as a keyboard, stringed instrument, wind instrument or percussion instrument and include desired music piece(s) and completion of training includes records of music pieces practiced and completed wherein the musical information may be of any data format including a MDI format; moreover, the registered reproducing equipment being currently used may be affixed to other information such as desired music piece(s) and a step of selectively supplying the user with content displaying information indicative of the particular content of the data format compatible with the data reproducing equipment registered by the registration step and searched out by the step of searching (fig. 7; paragraph [0060]). Although Kunii teaches registration of a device in association with a user that includes a process of selectively searching a plurality of items of content for a particular content, Kunii does not explicitly disclose registration of a plurality of pieces of computers in association with individual users. However, registration of a plurality of pieces of data reproducing equipment in association with individual users are well known in the art as taught by Devine (par

[0013] and [0034]; plurality of constituent/user devices are registered and selectively search a plurality of items of content for a particular content such as services and information). It would have been obvious to an artisan at the time of the invention to include the method of Devine with the method of Kunii in order to automate the process of distributing data.

Kunii and Devine still do not explicitly disclose content reproducible with one or more data reproducing equipment. Hale teaches content reproducible with one or more data reproducing equipment (col. 2, lines 3-41; col. 10, line 59 through col. 11, line 2; registration to access MP3 files and search songs by, for example, Band X). It would have been obvious to an artisan at the time of the invention to include the method of Hale with the method of the modified Kunii to extend user's computer searches to such reproducible content as a song file, especially in view of *KSR Int'l v. Teleflex Inc.*, 127 S.Ct. 1727, 1739, 82 USPQ2d 1385, 1395 (2007).

As per claim 2, the modified Kunii teaches an information supplying method wherein the content displaying information is information fused for reference by the user in designating desired content deliverable via a communication network, i.e. the content or information displayed is information used for reference by the user in choosing/designating desired content deliverable via a communication network (Kunii: fig. 7; paragraph [0060]).

As per claim 3, the modified Kunii teaches an information supplying method wherein said step of registering is capable of registering a plurality of pieces of data reproducing equipment for each user (paragraphs [0050], [0062] and [0069]), and said

step of searching searches for content usable only in particular data reproducing equipment currently set in a search mode from among a plurality of pieces of data reproducing equipment registered in association with the user (Kunii: paragraphs [0041], [0062], [0068-0069] and [0071]).

As per claim 4, the modified Kunii teaches an information supplying method wherein said step of searching includes a step of setting a desired one of the plurality of pieces of data reproducing equipment, registered in association with the user, in the search mode in response to a selection by the user (Kunii: figs. 4 and 8; paragraphs [0041], [0062], [0068-0069] and [0071]).

As per claim 5, the modified Kunii teaches an information supplying method wherein said step of setting includes a step of causing the user to select the desired one of the plurality of pieces of data reproducing equipment, registered in association with the user, via a display terminal of the user (Kunii: fig. 4; paragraphs [0062] and [0069]).

As per claim 6, the modified Kunii teaches an information supplying method wherein said step of supplying presents, on a display terminal of the user, the content displaying information indicative of the searched out content (Kunii: fig. 7; paragraph [0060]).

As per claim 7, the modified Kunii teaches an information supplying method comprises a step of allowing the user to make a selection for receiving a part or whole of content corresponding to the content displaying information supplied by said step of supplying (Kunii: fig. 7; paragraph [0060]).

As per claim 8, the modified Kunii teaches an information supplying method wherein said step of searching is carried out in response to a request made by a particular user (fig. 7; paragraphs [0062] and [0068]).

As per claim 9, the modified Kunii teaches an information supplying method wherein a server apparatus for supplying information and a client terminal for receiving supplied information are interconnectable via a communication network, and said method is performed by using at least one of a computer of said server apparatus and a computer of said client terminal (Kunii: fig. 1).

Claims 10 and 12 are individually similar in scope to claim 1 and are therefore rejected under similar rationale.

Claims 11 and 13 are individually similar in scope to claim 9 and are therefore rejected under similar rationale.

### ***Response to Arguments***

7. Applicant's argument with respect to claim 1 has been considered but is moot in view of the new ground(s) of rejection.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Teshima (US 2001/0051007 A1) teaches a plurality of client devices are registered so that data suitable for a device can be transmitted.



Satomi et al. (US 2003/0065807 A1) teach registering an image input device and search album information using user ID.

Cho (US 2004/0064374 A1) teaches a registration process to purchase songs in various formats (e.g., MP3) over the Internet and an online music store Web site that provides searching capabilities for desired songs.

Tozuka (US 6,031,175) teaches registration data supplied from other MIDI apparatuses or a server computer.

Tamura (US 6,583,347 B2) teaches a registration window (figs. 8-9; e.g., for saxophone, electric guitar, etc.).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Inquires***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached at (571) 272-4124.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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December 7, 2008  
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